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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060428
Party	Plaintiff Quality Bicycle Products, Inc.
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Date	11/02/2015
Attachments	Motion to Suspend_Proceedings.pdf(16806 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration Nos. 4496120 and 4414967

For the Marks  and **45NORTH**

Registered on October 8, 2013 and March 11, 2014

QUALITY BICYCLE PRODUCTS, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92060428
	:	
MIDDLEBROOK DESIGN LLC	:	
dba LOVE TRAVERSE CITY,	:	
	:	
Registrant.	:	

**PETITIONER'S MOTION TO SUSPEND PROCEEDINGS PENDING RULING ON
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to TBMP 528.03 and 510, Petitioner Quality Bicycle Products, Inc. ("Petitioner" or "QBP") submits this motion to respectfully request that the Board suspend this proceeding pending its ruling on Petitioner's Motion for Summary Judgment on Registrant Middlebrook Design LLC dba Love Traverse City's ("Registrant" or "Middlebrook") Counterclaim ("Petitioner's Summary Judgment Motion").

TBMP 528.03 specifies that, "[w]hen any party files...a motion for summary judgment on the pleadings...the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion and no party should file any paper which is not germane to the motion except as otherwise specified in the Board's suspension order." Thus, this Rule requires that the Board suspend this action pending resolution of Petitioner's Summary Judgment Motion.

To the extent that there is any question regarding whether to suspend this proceeding pending resolution of Petitioner's Summary Judgment Motion, good cause exists for the Board to exercise its discretion and grant such a suspension. *See* TBMP 510.01 ("Flowing from the Board's inherent power to schedule disposition of the cases on its docket is the power to stay proceedings, which may be exercised by the Board upon...motion"); TBMP 510.03(a) ("The Board suspends proceedings in cases before it for a wide variety of reasons" including good cause). QBP's requested suspension would save the Board's and parties' time and resources. Namely, resolution of Petitioner's Summary Judgment Motion may substantially narrow the issues to be decided at trial. This could also affect the contents and scope of the parties' pretrial disclosures and trial papers, scheduled to be due beginning in November of 2015.

Because the TBMP establishes that the filing of a summary judgment motion will suspend a proceeding and because good cause exists for such suspension, QBP respectfully requests that the Board suspend this proceeding pending resolution of Petitioner's Summary Judgment Motion.

Dated: November 2, 2015

Respectfully submitted:

By: /Kristine M. Boylan/

Kristine M. Boylan (#284634)

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***Attorneys for Petitioner Quality Bicycle
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via regular U.S. Mail this 2nd day of November, 2015 upon the following:

Christopher Civil
LegalForce RAPC Worldwide
451 N. Shoreline Ave.
Mountain View, CA 94043

Dated: November 2, 2015

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